

REMARKS

The present amendment is submitted in response to the Office Action dated September 11, 2003, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by January 11, 2004, a Sunday, or by Monday, January 12, 2004.

Claims 1-14 are pending in this application.

In the Office Action, the disclosure was objected to for various informalities. Claims 3, 4, 5-7, and 9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 5, 7, 13, and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 862,036 to Bosch.

Claims 3, 4, and 9-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch in view of U.S. Patent No. 2,750,617 to Oishei. Claims 1, 2, 5, 6, 8, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 1 565 955 to Frimley in view of U.S. patent No. 8,361,896 to Yang.

First, the Applicant wishes to point out that in the Simultaneous Amendment filed with the application, original claims 1-14 were canceled and a new set of 14 claims were added. However, these new claims were incorrectly numbered also as claims 1-14, rather than claims 15-28. In this amendment, the Applicant again cancels the pending claims 15-28 and adds 12 new claims, which are numbered correctly as new claims 29-40 in this amendment.

Turning now to the Office Action, in this amendment, the specification has been amended to add appropriate headings and to delete reference to the claims.

As noted above, pending claims 15-28 have been canceled and new claims 29-40 have been added, in an effort to overcome the stated objection to the specification for lack of enablement and to overcome the substantive rejections of the claims.

Regarding the objection to the specification as non-enabling, the Applicant respectfully disagrees that the application claims the wiper blades in a "kit form". The wiper blades of different dimensions are not offered in kit form, rather individually or in pairs for selected Kfz types. For different Kfz types, then, different wiper blades with different dimensions are offered, which, according to the present invention, however, still have the same seat position in the region of the connection and in the region of the end caps, in spite of the different dimensions. In order to fulfill the idea of the present invention, then, multiple, different wiper blades for various motor vehicles must be noted.

On this basis, the Bosch reference cited in the Office Action cannot be seen as anticipating or rendering obvious the present invention. In Bosch, a wiper blade is shown, which are recommended for different embodiments. At no point in this reference is it noted, however, that the wiper blades should have the same dimensions in the region of the connection device, regardless of the other dimensions, when the wiper blades are used for different vehicles. The Bosch reference merely proposes to form a strip supporting the wiper blade softer

towards an end region. The embodiments of Figures 4-6 would not be understood by the practitioner to imply that these could be used for different vehicles, whereby the dimensioning in the region of the connection to the wiper arm could be left the same. Since the Bosch reference shows no wiper blades for different vehicles and also provides no suggestion of these features, this reference cannot be viewed as anticipatory or as rendering obvious the present invention.

A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 1550, 1553 (Fed. Cir. 1997). Since the Bosch reference fails to disclose every feature of the present invention, it cannot be viewed as anticipatory of the present invention.

Also, the combination of Frimley and Yang does not make obvious the present invention. Frimley may show a wiper arm with a band-like, elongated spring elastic support element, on whose lower band surface, a wiper strip is arranged and on whose upper band surface, in a longitudinal midsection, the wiper blade half of a connection device is disposed. However, also here, only one wiper blade for a motor vehicle is shown and described. No suggestion is provided here wither to structure this wiper blade, such that with different dimensioning, such as those that are required for different motor vehicles, the seat position for the connection device and the end caps can be the same size. This is true, in particular, because Frimley shows no end caps at all. Yang

shows an entirely different concept, in which a support bracket wiper blade is comprised of individual components fitted together. The individual components are injection-molded parts, which are arranged in a frame and are broken out from this frame. By plugging together the components as well as a resilient strip and a rubber strip, the support bracket wiper blade is built, whereby the individual components are the bracket of the support bracket base frame and the length of the wiper blade is determined by the number of the individual brackets. The resilient strip and the rubber strip are then correspondingly trimmed.

A combination of this system with Frimley's wiper blade is factually not possible, since Frimley provide no bracket. Thus, the Applicant disagrees that the structural principle of Yang could be modified to the wiper blade of Frimley, in order to achieve the device of the present invention. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

In newly added claims 29-40, claim 29 defines an individual wiper blade, whose support element has a seat position for the connection device and for the caps. The connection device as well as the caps are formed in particular in order to overlap the seat positions. In addition, new dependent claims 30-37 define a plurality of wiper blades, which have different dimensions relative to one another. To the practitioner, then, it would be clear how an individual wiper blade should be structured and how to form the wiper blades with different dimensions for windshields of different vehicles. The practitioner would obtain clear

suggestions, with which he could obtain the advantages described in the specification.

New claim 38 essentially recites the elements of new claim 29, but adds that a connection device in the direction of a cap can be arranged in a longitudinal midsection of the support element. In extreme cases, a cap can assume the function of the connection device or the connection device can assume the function of the cap. This structure is disclosed in the specification on page 10, first paragraph.

For the reasons set forth above, the Applicant respectfully submit that claims 29-40 are patentable over the cited references. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

Michael J. Striker
Attorney for Applicant

Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700